

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

PEGGY A. HALES,

Plaintiff,

v.

Civil Action Number 4:11cv28

CITY OF NEWPORT NEWS, et al.,

Defendants.

DEFENDANT'S MOTION TO DISMISS

COMES NOW Justin Briggs, by counsel, and moves this Court for the entry of an order dismissing this action pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure as the allegations against him fail to state a claim upon which relief can be granted and he is entitled to qualified immunity and governmental immunity.

JUSTIN BRIGGS

By _____ /s/
Alan Brody Rashkind, Esquire
Virginia State Bar No. 12658
Counsel for Officer Justin Briggs
Furniss, Davis, Rashkind and Saunders, P.C.
6160 Kempsville Circle, Suite 341B
Post Office Box 12525
Norfolk, Virginia 23541-0525
Telephone No. (757) 461-7100
Facsimile No. (757) 461-0083
Email: arashkind[@furnissdavis.com](mailto:furnissdavis.com)

Alan Brody Rashkind, Esquire

Virginia State Bar No. 12658
James A. Cales III, Esquire
Virginia State Bar No. 41317
Furniss, Davis, Rashkind and Saunders, P.C.
6160 Kempsville Circle, Suite 341B
Post Office Box 12525
Norfolk, Virginia 23541-0525
Telephone No. (757) 461-7100
Facsimile No. (757) 461-0083

CERTIFICATE

I hereby certify that on February 21, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Allen J. Gordon, Esquire
Erik P. Gordon, Esquire
Attorneys for Plaintiff
1553 S. Military Highway
P.O. Box 1756
Chesapeake, Virginia 23327
Telephone: (757) 420-9731
Facsimile: (757) 420-7210
tinad@cavtel.net

Stanley G. Barr, Jr., Esquire
Attorney for Johnson and Gayle
150 West Main Street, Suite 2100
Post Office Box 3037
Norfolk, VA 23514-3037
(757) 624-3274
(757) 624-3169 (fax)
sgbarr@kaufcan.com

Darlene P. Bradberry, Esquire
Deputy City Attorney
Nicole M. Montalto, Esquire
Assistant City Attorney
Attorneys for City of Newport News,
Neil A. Morgan and James D. Fox
2400 Washington Avenue, 9th Floor

Newport News, VA 23607
(757) 926-8416
(757) 926-8549 (fax)
dbradberry@nngov.com
nmontalto@nngov.com

/s/

Alan Brody Rashkind, Esquire
Virginia State Bar No. 12658
Counsel for Officer Justin Briggs
Furniss, Davis, Rashkind and Saunders, P.C.
6160 Kempsville Circle, Suite 341B
Post Office Box 12525
Norfolk, Virginia 23541-0525
Telephone No. (757) 461-7100
Facsimile No. (757) 461-0083
Email: arashkind@furnissdavis.com